

# State of South Dakota

## EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

571Q0374

### SENATE BILL NO. 160

Introduced by: Senators Hansen (Tom), Dempster, Jerstad, Knudson, Merchant, and Schmidt  
and Representatives Hunt, Feinstein, Hamiel, Krebs, Lederman, Schlekeway,  
and Thompson

1 FOR AN ACT ENTITLED, An Act to revise the grounds for which a license of an athletic  
2 trainer may be revoked, suspended, or canceled.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-29-18 be amended to read as follows:

5 36-29-18. The license of an athletic trainer may be revoked, suspended, or canceled upon  
6 any one of these grounds:

7 (1) The licensee is guilty of fraud in the practice of athletic training or fraud or deceit in  
8 ~~his~~ the licensee's admission to the practice of athletic training; ~~or~~

9 (2) The licensee has been convicted of a felony during the past five years. The conviction  
10 of a felony is the conviction of any offense, which if committed within the State of  
11 South Dakota would constitute a felony under its laws; ~~or~~

12 (3) The licensee is engaged in the practice of athletic training under a false or assumed  
13 name and has not registered that name pursuant to chapter 37-11, or is impersonating  
14 another practitioner of a like or different name; ~~or~~



- 1       (4)    The licensee is addicted to the habitual use of intoxicating liquors, narcotics, or  
2            stimulants to the extent as to incapacitate ~~him~~ the licensee from the performance of  
3            the licensee's professional duties; ~~or~~
- 4       (5)    The physical or mental condition of the licensee is determined by a medical examiner  
5            to be such as to jeopardize or endanger those who seek relief from the licensee. A  
6            majority of the Board of Medical and Osteopathic Examiners may demand an  
7            examination of the licensee by a competent medical examiner selected by the board  
8            at the board's expense. If the licensee fails to submit to the examination, this ~~shall~~  
9            ~~constitute~~ constitutes immediate grounds for suspension of the licensee's license; ~~or~~
- 10      (6)    Obtaining or attempting to obtain a license, certificate, or renewal thereof by bribery  
11            or fraudulent representation; ~~or~~
- 12      (7)    ~~Direct or indirect compensation from individuals or third party payees for services~~  
13            ~~rendered; or~~
- 14      ~~—(8)—~~ Making a false statement in connection with any application under this chapter; ~~or~~  
15      ~~(9)~~(8) Making a false statement on any form ~~promulgated~~ prescribed by the board ~~in~~  
16            ~~accordance with~~ pursuant to this chapter or the rules ~~and regulations adopted~~  
17            promulgated by the board pursuant to this chapter; ~~or~~
- 18      ~~(10)~~(9)    The licensee conducts continued treatment and rehabilitation procedures on  
19            individuals other than those associated with the employing institution or  
20            athletic organization; or
- 21      ~~(11)~~(10)   The licensee has violated any provision of this chapter or the rules ~~and~~  
22            ~~regulations promulgated hereunder~~ pursuant to this chapter.